

Facts At A Glance: Legislation

October 2004

Facts At A Glance is a monthly compilation of information of interest to Board Members, staff, and the general public. Information is current as of October 4, 2004, unless otherwise noted. Please direct questions and comments regarding this publication to the Office of Public Affairs at (916) 795-3991, and questions regarding legislation to the Office of Governmental Affairs at (916) 795-3689.

A - Sponsored bills

Bill Number Version	Author	Summary	Board Position	Status
AB 753 C-09/10/2004	Leslie	Safety Employees' Surviving Spouses: Health Benefits Current law provides health benefit coverage to the survivor of a safety officer who dies as the result of a work-related illness or injury, if married for one year prior to death. This bill would also provide this benefit for surviving spouses married for less than one year, as long as they were married prior to the onset of the illness or injury leading to the safety officer's death.	Sponsor	09/10/2004- Chaptered by Secretary of State - Chapter No. 440, Statutes of 2004
AB 2364 C-08/23/2004	Correa	Public Pension Systems: Credit Enhancement Codifies the authority of state public pension systems to establish credit enhancement programs, subject to and consistent with their fiduciary duty and the conflict of interest provisions of Section 503 of the Internal Revenue Code.	Sponsor	08/23/2004- Chaptered by Secretary of State - Chapter No. 266, Statutes of 2004
AB 3094 C-09/14/2004	Assembly PER&SS Committee	Collection of Overpayments Adds an exemption to the provisions of the California Right to Financial Privacy Act to require a financial institution to provide CalPERS, CalSTRS, or the 1937 Act County Retirement Systems with information as to who had access to the funds paid to a deceased retiree's account after the date of his or her death.	Sponsor	09/14/2004- Chaptered by Secretary of State - Chapter No. 506, Statutes of 2004
SB 626 C-06/24/2004	Senate PE&R Committee	Recodification of PEMHCA Recodifies the provisions of the Public Employees Medical and Hospital Care Act (PEMHCA) in order to provide greater clarity. Urgency measure.	Sponsor	06/24/2004- Chaptered by Secretary of State - Chapter No. 69, Statutes of 2004

A - Sponsored bills

Bill Number Version	Author	Summary	Board Position	Status
SB 1509* A-05/04/2004	Alpert	Hospital Pricing Repeals financial reporting exemption for charitable hospitals and health plans and requires reporting of specified expenditures or receipts from affiliates or other for-profit businesses. Requires health plans contracting with a state purchaser to disclose provider contracts, including pricing information. Such information will be kept confidential by the state agency. Also prohibits a health provider from requiring, as a condition for contracting with a health plan, that all-and not just a portion-of its facilities, services, or products be included in a health plan's network, under specified conditions.	Sponsor	05/20/2004-Senate Appropriations Committee; held under submission.
SB 1603 C-08/16/2004	Senate PE&R Committee	CalPERS' 2004 Omnibus Bill Contains technical and noncontroversial changes to the laws CalPERS administers. This is CalPERS' 2004 housekeeping bill.	Sponsor	08/16/2004-Chaptered by Secretary of State - Chapter No. 231, Statutes of 2004

- Did not meet legislative calendar deadlines for passage from policy or fiscal committee; would require rule waivers to be given further consideration in the current legislative session.

B - Other Bills

Bill Number Version	Author	Summary	Board Position	Status
AB 91* A-07/03/2003	Dutton	Public Employees' Retirement: Riverside County Deputy Coroners Authorizes Riverside County to reclassify deputy coroners as county peace officers and thereby make them eligible for local safety benefits. Also excludes the deputy coroner safety positions from coverage under Social Security.	Oppose Unless Amended	08/29/2003- Senate Appropriations Committee; held under submission.
AB 262* A-08/23/2004	Chan	Disclosure of Physicians' Prescribing Practices Prohibits a person from transmitting, selling, or releasing to a third party, in exchange for remuneration, the prescribing data of a physician, if the physician has placed his or her name on a DO NOT USE list. This list would be maintained by the Medical Board.	Support	08/28/2004- Assembly refused to concur in Senate amendments. To Conference Committee.
AB 1209 C-01/22/2004	Nakano	Public Records Act — Confidential Documents Current law provides for public disclosure of most public documents; however, some documents are exempt from disclosure. This bill expands that exemption to include documents prepared by a state agency for distribution or consideration in a closed session that assesses its vulnerability to terrorist attack or other criminal acts intended to disrupt the public agency's operations.	Support	01/22/2004- Chaptered by Secretary of State - Chapter No. 8, Statutes of 2004
AB 1253 V-09/21/2004	Bermudez	Golden Handshake: State Employees Grants specified state employees, other than school members and state members employed by the California State University, an additional 2 years of service credit if those employees retire within a period, to be designated by the Director of Finance, during the 2004-05 fiscal year and if other conditions are met. Employees retiring with the extra 2 years of service credit would be required to convert any unused vacation or leave time to service credit at the rate of 0.004 year of service credit for each unused day of leave time or vacation. This content was removed from the bill on August 17, 2004.	Neutral	09/21/2004- Vetoed.

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B - Other Bills

Bill Number Version	Author	Summary	Board Position	Status
AB 1629 C-09/29/2004	Frommer	Health Facility Data Collection Requires every licensed hospital to provide OSHPD the health facility data required under the Health Data and Advisory Council Consolidation Act for all affiliates. Affiliates would include other entities for which the hospital exercises control, responsibility, or governance over a material portion of the assets or operations. The information reported on behalf of the affiliates must include specified financial data and patient utilization data. Also specifies the standards that OSHPD is required to consider in developing its data reporting requirements. This content was removed from the bill on August 16, 2004.	Support	09/29/2004- Chattered by Secretary of State - Chapter No. 875, Statutes of 2004
AB 1693* A-06/21/2004	Wolk	Safety Reclassification: Bargaining Unit 7 Existing law provides that, on July 1, 2004, state miscellaneous employees in BU 7, employees in related managerial, supervisory, and confidential positions, and specified employees of the executive branch are to be reclassified from the state miscellaneous member classification to the state safety member classification. This bill changes the date of reclassification to July 1, 2005.		06/24/2004- Senate Rules Committee
AB 1875 C-09/21/2004	Maldonado	Local Agency Benefit Formulas Amends the local agency retirement benefit formulas enacted by AB 616 (Ch. 782, Statutes of 2001) to specify that when an agency elects a formula, the formula will apply towards a member's entire service credit with that employer. Current law specifies that the formulas enacted by AB 616 only apply toward future service. This bill will also require the state, upon request, to meet and confer with supervisory employee organizations under specified circumstances.		09/21/2004- Chattered by Secretary of State - Chapter No. 654, Statutes of 2004

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B - Other Bills

Bill Number Version	Author	Summary	Board Position	Status
AB 1958 V-09/30/2004	Frommer	CalPERS Rx Purchasing Consortium Authorizes the Board to establish a prescription drug purchasing consortium. Uninsured individuals, public group purchasers, public institutions, and small private employers are authorized to participate in the consortium, with the Board determining eligibility criteria by regulation. The operation of the pharmaceutical purchasing consortium authorized by this bill is contingent upon funding by the Legislature for initial start-up costs. The consortium could not be implemented if it jeopardizes CalPERS' governmental plan status.	Support	09/30/2004- Vetoed.
AB 1959 C-09/30/2004	Chu	State Auditor Evaluation of Drug Purchasing Requires the State Auditor to conduct an audit of the state's procurement and reimbursement with respect to the purchasing of prescription drugs for or by state agencies, including CalPERS. The audit report is due to the Legislature by May 31, 2005. The State Auditor is required to submit a status report in 2006 regarding implementation of its recommendations. The bill also states the Legislature's intent to conduct subsequent audits in 2007 and 2009, if warranted.	Neutral	09/30/2004- Chaptered by Secretary of State, Chapter Number 938, Statutes of 2004
AB 1960 V-09/29/2004	Pavley	PBM Disclosure Requirements Requires a pharmaceutical benefit manager (PBM) to disclose to its purchasers and prospective purchasers specified aggregate information regarding its rebate arrangements. Also prohibits a PBM from substituting a prescribed medication, except under specified circumstances.	Support	09/29/2004- Vetoed.
AB 2033* A-04/21/2004	Nakano	PEMHCA Eligibility: National Guard Allows members of the California National Guard, the Military Reserve, or the Naval Militia to enroll in PEMHCA, with an employer contribution to be paid by the state, regardless of whether those members are on active duty.		05/19/2004- Assembly Appropriations Committee; held under submission.
AB 2044* I-02/17/2004	Garcia	LTC Insurance Tax Credit States the intent of the Legislature to enact a tax credit for the amount paid or incurred by the taxpayer for long-term care or long-term care insurance for any family member of the taxpayer.		02/18/2004- From printer. May be heard in committee March 19.

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B - Other Bills

Bill Number Version	Author	Summary	Board Position	Status
AB 2103 C-09/21/2004	McLeod, Negrete	MOU — Bargaining Unit 5 Contains MOU provisions for Bargaining Unit 5, affecting California Highway Patrol employees, specifying that final compensation for purposes of retirement includes compensation the member would have earned effective July 1, 2004 if a specified 5% reduction in compensation had not occurred.		09/21/2004- Chartered by Secretary of State - Chapter No. 635, Statutes of 2004
AB 2111* A-08/19/2004	Committee on Budget	LRS; Local Agency Benefit Formulas; MOU — Bargaining Unit 5 Amends LRS to remove requirement for recalculation of a legislator's retirement allowance when the former legislator accepts salaried public employment. Amends the local agency retirement benefit formulas enacted by AB 616 (Ch. 782, Statutes of 2001) to specify that when an agency elects a formula, the formula will apply towards a member's prior service credit with that employer. Current law specifies that the formulas enacted by AB 616 only apply toward future service. Also contains clean-up provisions for the Alternate Retirement Program, PEMHCA, and the Defined Benefit Program of CalSTRS. Contains MOU provisions for Bargaining Unit 5, affecting employees of the California Highway Patrol.		08/24/2004- From committee: Return to Senate Floor.
AB 2112* A-08/19/2004	Committee on Budget	LRS and Local Agency Benefit Formulas Amends LRS to remove requirement for recalculation of a legislator's retirement allowance when the former legislator accepts salaried public employment. Amends the local agency retirement benefit formulas enacted by AB 616 (Ch. 782, Statutes of 2001) to specify that when an agency elects a formula, the formula will apply towards a member's prior service credit with that employer. Current law specifies that the formulas enacted by AB 616 only apply toward future service. Also contains clean-up provisions for the Alternate Retirement Program, PEMHCA, and the Defined Benefit Program of CalSTRS.		08/24/2004- From committee: Return to Senate Floor.

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B - Other Bills

Bill Number Version	Author	Summary	Board Position	Status
AB 2117* A-07/27/2004	Committee on Budget	Budget Trailer Bill — LTC Program Assessment This is a budget trailer bill for health programs administered by the state. As it pertains to CalPERS, this bill extends the operation of the California Partnership for Long-Term Care Program, and also requires any organization issuing policies certified under the program to contribute at least \$20,000 annually to fund education and marketing expenses conducted by the program.		07/27/2004- Senate Floor
AB 2326* A-07/19/2004	Corbett	Prescription Drug Report Card Requires DMHC to publish an annual report card, beginning January 1, 2006, based on evidence-based research, on the safety, efficacy, and cost of prescription drugs to be posted on the DMHC's Web site. CalPERS and other state agencies would be notified as to the completion of the report card and its updates. Funding for startup costs would be sought from federal or private charitable sources.		08/17/2004- From committee without further action pursuant to Joint Rule 62(a).
AB 2330 V-09/21/2004	Samuelian	Volunteer Firefighters Length of Service Award: Administrative Costs Provides for funding of up to \$120,000 per year of the administrative costs of the Volunteer Firefighters Length of Service Award Fund, contingent upon appropriation from the General Fund.	Support	09/21/2004- Vetoed.
AB 2355 C-07/23/2004	Oropeza	CalPERS: Administrative Costs Requires the Board, upon request, to provide information to a contracting agency regarding administrative costs. Previous version would have required that the administrative costs charged to a contracting agency be based on the agency's pro rata share of the actuarial accrued liability for all employers within the system.	Neutral	07/23/2004- Chaptered by Secretary of State - Chapter No. 190, Statutes of 2004
AB 2680 C-08/30/2004	McLeod, Negrete	CalPERS: Property Acquisition for STRS Existing law authorizes the STRS Board to remodel, equip, or construct an office building in Sacramento County for a headquarters facility for STRS. Existing law also gives the CalPERS Board the authority to acquire property for use by STRS or other state retirement systems. This bill removes STRS from the systems for which the CalPERS Board has the authority to acquire property.		08/30/2004- Chaptered by Secretary of State - Chapter No. 378, Statutes of 2004

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B - Other Bills

Bill Number Version	Author	Summary	Board Position	Status
AB 2711 C-08/23/2004	Leno	Local Agency Transfer Agreements Authorizes CalPERS to enter into an agreement with the San Francisco City and County Employees' Retirement System for the transfer of assets and liabilities with respect to safety members who are employed by the city and county or the local fire authority, as a result of a transfer of firefighting or law enforcement functions.	Support	08/23/2004- Chapered by Secretary of State - Chapter No. 268, Statutes of 2004
AB 2736* A-03/23/2004	McLeod, Negrete	State Military Personnel: Membership Provides that officers, warrant officers, and enlisted personnel of specified state military organizations shall become state members of the retirement system upon completing at least one year of satisfactory service, whether part-time or full-time, as determined by the Military Department. Authorizes those persons to be members of the system when serving on a part-time basis. Also authorizes those members to receive service credit for prior satisfactory service in those state military organizations, if those members pay certain additional contributions to the system.		05/19/2004- Assembly Appropriations Committee; held under submission
AB 2752 V-09/22/2004	Chu	Corporate Election Procedures Requires publicly traded companies subject to the California Corporations Code to establish corporate election procedures for election to the board of directors. Also requires corporations to make a copy of their corporate election procedures available to shareholders upon a written request, and to post the procedures on the corporate website.	Support	09/22/2004- Vetoed.
AB 2773* I-02/20/2004	Richman	Public Employees: Workers' Compensation Benefits Limits workers' compensation benefits for public employees who are also receiving a disability retirement from CalPERS.		03/31/2004- Assembly PER&SS Committee; failed passage.
AB 2903* I-02/20/2004	Campbell	State Employees' Retirement: Increased Contributions, Reduced Benefits for New Hires Increases state employee contributions to CalPERS by 1 percent. Also creates a lower tier of benefits for all state employees hired after the bill's implementation date.	Oppose	04/21/2004- Assembly PER&SS Committee

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B - Other Bills

Bill Number Version	Author	Summary	Board Position	Status
AB 2956 V-09/21/2004	Wiggins	Extension of Reciprocity Intended to increase the time period for members to move between retirement systems with reciprocity in effect from six months to 36 months. However, this bill inadvertently reduces the time period for most reciprocity benefits from six months to 90 days for most CalPERS members.		09/21/2004- Vetoed.
AB 3082 C-07/22/2004	Committee on Judiciary	Code Maintenance Makes technical, nonsubstantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature.		07/22/2004- Chaptered by Secretary of State, Chapter No. 183, Statutes of 2004
AJR 79 C-06/10/2004	Chu	Corporate Elections Urges the Securities and Exchange Commission to implement proposed Rule 14a-11 at the earliest possible date, to address the urgent need for reform to increase shareholder access to the proxy in corporate board elections and to promote corporate board accountability and responsiveness to shareholder concerns.	Support	06/10/2004- Chaptered by Secretary of State - Chapter No. 92, Statutes of 2004
SB 9* A-06/07/2004	McClintock	State Safety Members: Bargaining Unit 7 Repeals provisions of SB 183 (Statutes of 2002), which provided for the July 1, 2004 reclassification of miscellaneous members in Bargaining Unit 7 to state safety membership.		06/23/2004- Assembly Labor and Employment Committee; failed passage.
SB 53* A-09/09/2003	Dunn	State and Local Safety Members: 100% Benefit Limit Increases the retirement benefit limit for local safety members from 90% to 100% of final compensation for those members who retire on or after January 1, 2004. Increases the benefit limit for state patrol members and peace officer/fire fighter members in BU 8 in the same way if CalPERS submits to the DPA and the Director of Finance a cost analysis determining that the increase shall result in either neutral cost or cost savings to the state employer.		01/08/2004- Placed on inactive file on request of Senator Dunn.

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B - Other Bills

Bill Number Version	Author	Summary	Board Position	Status
SB 126* A-06/02/2003	Chesbro	Rural Health Care Equity Program — Extension Extends the operation of the Rural Health Care Equity Program to January 1, 2008. Otherwise, this program will sunset on January 1, 2005. This provision was also included in SB 1105. Previous version also would have increased the monthly payment to a Medicare participant from \$75 to \$85.	Support	08/29/2003- Assembly Appropriations Committee; held under submission.
SB 437 V-09/30/2004	Burton	Contribution Reduction for Legislative Employees Authorizes specified employers of the legislative branch of state government to establish the normal contribution rate for their respective employees for a 12-month period, as specified.	Support	09/30/2004- Vetoed.
SB 902 V-09/30/2004	Burton	Industrial Disability Retirement: Reduced Age Factors for Local Safety Members Existing law establishes the disability retirement allowance for local safety members as (1) 50% of the member's final compensation plus an annuity purchased with the member's accumulated additional contributions, if the member is not eligible to retire, or (2) the member's service retirement allowance if it would be greater than 50% and the member is eligible to retire. This bill would provide a new method for calculating the disability retirement allowance of local safety members who are not eligible to retire but who have earned enough service to exceed the 50% provided in current law. This content was removed from the bill on August 23, 2004.	Neutral	09/30/2004- Vetoed.
SB 921* A-06/29/2004	Kuehl	Universal Coverage — Single-Payer System Establishes the California Health Care System to be administered by the newly created California Health Care Agency. By January 1, 2006, all California residents would be eligible for specified benefits under the California Health Care System, which would, on a single-payer basis, negotiate or set fees for health care services and reimburse providers for services delivered. There would be no deductibles or copayments during the first 2 years of system operation, for most services.	Neutral	06/29/2004- Assembly Appropriations Committee

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B - Other Bills

Bill Number Version	Author	Summary	Board Position	Status
SB 1103 C-08/16/2004	Committee on Budget and Fiscal Review	Budget Trailer Bill — LTC Program Assessment This is a budget trailer bill for health programs administered by the state. As it pertains to CalPERS, this bill would extend the operation of the California Partnership for Long-Term Care Program, and also require any organization issuing policies certified under the program to contribute at least \$20,000 annually to fund education and marketing expenses conducted by the program.		08/16/2004- Chapters by Secretary of State - Chapter No. 228, Statutes of 2004
SB 1105 C-08/12/2004	Committee on Budget and Fiscal Review	State Employees: Alternative Retirement Program & Extension of Rural Health Care Equity Program Provides that new state employees who become members of CalPERS, as specified, shall not make contributions to CalPERS, nor receive service credit for their service, and the state employer shall not make contributions on their behalf, during their first 24 months of employment. Requires those members to make contributions to an alternative retirement program (ARP), administered by DPA, during that 24 months, after which the members shall begin contributing to CalPERS and earning service credit in the system. Provides that, in months 47 to 49, the member may elect to receive the ARP contributions as cash or transfer the accumulated contributions in the ARP to CalPERS and thereby receive service credit for that 24-month period. Provides that the 24-month period shall be treated as state service for vesting for preretirement death benefits, retirement eligibility, and retiree health coverage regardless of whether contributions are transferred to CalPERS. Provides that a member who does not transfer the contributions from ARP to CalPERS may, at any time prior to retirement, purchase the service credit at full present value cost. This bill also extends the operation of the Rural Health Care Equity Program until January 1, 2008.		08/11/2004- Chapters by Secretary of State - Chapter No. 214, Statutes of 2004

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B - Other Bills

Bill Number Version	Author	Summary	Board Position	Status
SB 1106 C-08/11/2004	Committee on Budget and Fiscal Review	California Pension Restructuring Bond Act of 2004 Establishes the Pension Obligation Bond Committee, authorized to issue bonds and take other actions under the California Pension Obligation Financing Act. Enacts the California Pension Restructuring Bond Act of 2004, authorizing the issuance, during any 2 fiscal years after June 30, 2004, of bonds for the purpose of funding or refunding the state's obligations to the PERF. Authorizes the cumulative amount of the bonds to be the lesser of \$2 billion or the anticipated reduction, as estimated by the Director of Finance, in state contributions to CalPERS due to enactment of SB 1105.		08/11/2004- Chaptered by Secretary of State - Chapter No. 215, Statutes of 2004
SB 1113 C-07/31/2004	Committee on Budget and Fiscal Review	2004-05 Budget Act Makes appropriations for support of state government for the 2004-05 fiscal year. Urgency clause.		07/31/2004- Chaptered by Secretary of State - Chapter No. 208, Statutes of 2004
SB 1192* A-05/24/2004	Chesbro	Mandated Benefits — Substance Abuse Treatment Requires health plans and insurers to provide coverage for substance abuse disorders on the same basis as coverage for any other medical care, except that outpatient treatments may be limited to 20 visits per year. Also, excludes treatment for caffeine and nicotine-related disorders. This bill would not be implemented unless the substance abuse coverage is cost-neutral for CalPERS.	Neutral	06/22/2004- Assembly Health Committee; failed passage.
SB 1272* A-04/27/2004	Ortiz	Special District Governance Makes several changes with respect to the governance of special districts. Specifically, as it impacts CalPERS, this bill would prohibit a special district from making a contribution toward the health coverage of the members of its governing body first appointed or elected on or after January 1, 2005.		05/20/2004- Senate Appropriations Committee; failed passage.

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B - Other Bills

Bill Number Version	Author	Summary	Board Position	Status
SB 1401 V-09/15/2004	Perata	Retirement Adequacy Study Requires CalPERS to conduct a study and report to the Governor and the Legislature, by December 31, 2005, regarding the adequacy of retirement benefits paid to state retirees and their survivors and beneficiaries whose retirement allowances are equal to or less than the minimum retirement allowance of \$100 per month, had it been adjusted for inflation since January 1, 1956.	Support	09/15/2004- Vetoed.
SB 1439 C-09/09/2004	Speier	Retired Annuitants: Unemployment Insurance Prohibits a retired member from employment as a retired annuitant with a CalPERS employer, if the retired member, within the prior 12 months, received unemployment insurance compensation following the termination of a previous retired-annuitant appointment with the same employer. The retired member would be required to terminate employment as a retired annuitant and would be ineligible for re-employment for a period of at least 12 months.	Support	09/09/2004- Chaptered by Secretary of State - Chapter No. 398, Statutes of 2004
SB 1452* A-04/26/2004	Figueroa	Public Contracts: Non-Domestic Entities Prohibits, to the extent not in conflict with federal law, the state from contracting for services with any individual or entity that employs persons or subcontractors outside of the United States in order to perform and complete that state contract.		05/20/2004- Senate Appropriations Committee; held under submission.
SB 1487 V-09/30/2004	Speier	Hospital-Acquired Infection Data Requires hospitals to develop an infection control program for the surveillance, prevention, and control of infections. Also requires hospitals to report data on hospital-acquired infections to OSHPD and DHS. These requirements would sunset on October 1, 2012.	Support	09/30/2004- Vetoed.

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B - Other Bills

Bill Number Version	Author	Summary	Board Position	Status
SB 1602* A-03/25/2004	Senate PE&R Committee	Preretirement Death Benefits Existing law provides the Preretirement Option 2W death benefit with respect to retirement-eligible state members of CalPERS who die prior to retirement. Those benefits may also be provided to a retirement-eligible local member of the system, if the member's contracting agency has elected to make the benefit applicable to the agency's employees. This bill would make this benefit applicable to any retirement-eligible school or local member who dies on or after January 1, 2005, irrespective as to whether the local member's contracting agency has contracted for the benefit.	Support	05/20/2004- Senate Appropriations Committee; held under submission.
SB 1632* A-05/11/2004	Figueroa	Pension Plans: Corporate Reporting Requires public pension systems to request information of publicly-traded companies within their respective investment portfolios pertaining to labor, human rights, and environmental policies, as well as any public health, employment, consumer protection, or corruption-related violations, and any related penalties, on a biennial basis. Allows pension systems to phase in the surveying of companies within their portfolios over a period of three years. Provides for companies to self-certify that the information submitted is accurate and complete. Requires pension systems to report this data to the Legislature and to make the data publicly available.		05/20/2004- Senate Appropriations Committee; failed passage.

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